

### **REMARKS**

Claims 1 and 3-12 are now pending in the application. Of these pending claims, Claims 1 and 3-12 are rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 7-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner's attention is directed to Claims 7, 8 and 10 which have been amended to overcome the Examiner's rejection.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1 and 3-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Griffin (U.S. Pat. No. 4,301,881) in view of Sindelar (U.S. Pat. No. 4,344,287) and Porta (U.S. Pat. No. 4,235,297). Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Griffin in view of Sindelar, Porta and Yamaoka et al. (U.S. Pat. No. 4,809,796). These rejections are respectfully traversed.

Applicant directs the Examiner's attention to amended independent Claims 1 and 7 which include the limitation that the slave-operated pressure compensation valve is pressure operated. Further, Claims 1 and 7 have been amended to clarify that the slave-operated pressure compensation valves are bypass valves.

With respect to the rejections under 35 U.S.C. §103, Applicant respectfully asserts that the combination of the references is improper. In rejecting the claims, the Office Action states that it would have been obvious to combine the slave operated control valve of Sindelar with Griffin. Applicant respectfully traverses this finding. Applicant notes that the Sindelar reference relates to a control of a hydraulic piston as opposed to a hydraulic motor. As seen in Figure 1 and associated descriptions at column 6, lines 14-44, the system is initiated with a translating handle (46). Actuation of the handle (46) allows fluid to flow to actuate the slave cylinder which moves valve (21). This is simply a hydraulic mechanism to actuate the valve (21) as opposed to a slave "bypass" valve as is claimed. Further, the bypass valve is not responsive to fluctuations of pressure within the valves.

Applicant notes that the Examiner has acknowledged that none of the references provide the necessary motivation to combine the references. While Applicant acknowledges that the motivation to combine can be found implicit to the knowledge of one skilled in the art, Applicant respectfully asserts that the Office Action does not explain what specific understanding or technology principle within the knowledge of one of ordinary skill in the art would have suggested the combination. "The Examiner must shown reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention would select the elements from the cited prior art references for combination in the manner claimed." In re Rouffett, 47 USPQ2d 1453, 1458 (Fed. Cir. 1998). Failure to show the specific understanding or principle within the knowledge of a skilled artisan leads to an inference that the Examiner's utilizing hindsight construction. See Id at 1458.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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